



28 Bridgeside Blvd.  
Mt. Pleasant, SC 29464  
o. 843.216.9000 f. 843.216.9450

**John M. Eubanks**  
*Licensed in MD & SC*  
direct: 843.216.9218  
JEubanks@motleyrice.com

"I will stand for my client's rights.  
I am a trial lawyer."  
—Ron Motley (1944–2013)

**VIA CM/ECF**

September 22, 2021

The Honorable Sarah Netburn, U.S. Magistrate Judge  
United States District Court for the  
Southern District of New York  
Thurgood Marshall U.S. Courthouse, Room 430  
40 Foley Square  
New York, NY 10007

Re: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD)(SN)  
*Burnett, et al. v. Islamic Rep. of Iran, et al.*, 15-cv-9903 (GBD)(SN)

Dear Judge Netburn:

I write today on behalf of Plaintiffs in the *Burnett* action against Iran and others in response to the Court's August 30, 2021 Order requesting clarification regarding four items from Plaintiffs' fifth motion for personal-injury damages. *See* ECF No. 7083. Plaintiffs hereby submit the following clarifications in accordance with the Court's direction:

1. **Party Status.** The Court was unable to locate Edward Joseph Prince, Angel Ortiz, or his personal representative, or Kathleen Stanton on the docket in this case or in the main MDL docket.
  - a. Edward Joseph Prince. Mr. Prince appears in the *Burnett* caption at page 269 of the Amended Complaint filed in that case as "EDWARD PRINCE, as Personal Representative of the Estate of Wanda Prince, Deceased and on behalf of all beneficiaries of Wanda Prince." *Burnett* ECF No. 53 at 269. His name also appears on page 940 of the Amended Complaint as the surviving spouse and Personal Representative of the Estate of Wanda Prince. *Id.* at ¶3461. While these allegations do not reflect his personal injuries, he is a named plaintiff in multiple capacities—not all of which must be explained in detail in the pleading. *See* Fed. R. Civ. P. 17(a). Furthermore, he was added as a party to the *Burnett* case on December 28, 2015 as "Edward Prince" without his middle name.
  - b. Kathleen Stanton. Ms. Stanton appears under a pseudonym in the Amended Complaint as "DOE AP234" both in the caption and paragraph 4785. *See Burnett* ECF No. 53 at



September 22, 2021  
Page 2

350 and ¶4785. Contemporaneously with the filing of this letter, Plaintiffs are submitting a motion for substitution for Kathleen Stanton to be named explicitly in the place of DOE AP234 based on permission received from Ms. Stanton to do so.

- c. Lisa Ortiz as the Personal Representative of the Estate of Angel Ortiz. Lisa Ortiz was added as a party into the ECF system as part of the *Burnett, et al. v. Al Baraka Inv. & Dev. Corp., et al.*, 03-cv-9849 (GBD)(SN) as the party of interest for Angel Ortiz who was initially named in Plaintiffs' Amended Complaint in that case on September 4, 2002, when the case was pending before the U.S. District Court for the District of Columbia prior to the transfer order entered by the Judicial Panel on Multi-District Litigation transferred the case to this court. It appears that Mr. Ortiz's name was inadvertently omitted from the pleadings in the *Burnett-Iran* action; however, Plaintiffs submit that his inclusion within the MDL in at least one other case (and specifically the inclusion of Lisa Ortiz as his Personal Representative in the Consolidated Amended Complaint filed in the *Burnett-Al Baraka* case) should permit the Court to include this claim for a damages judgment against Iran going forward. Because Ms. Ortiz is listed as a plaintiff in the *Burnett-Al Baraka* case, Plaintiffs also respectfully submit that she should also be listed in ECF as a party in the MDL going forward (which Plaintiffs can accomplish).
2. **Citizenship Records.** Plaintiffs submit under seal with this filing legible copies of the citizenship records for Richard Martin Bylicki, Frank Castrogiovanni, and Leileth Foster. These records, which include protected personal information, are being filed Under Seal as Exhibit A.
3. **Sealed Records.** The victim impact statement for Frank Castrogiovanni is being attached to this letter as Exhibit B. The evidence of Rafaela Martinez's presence at Ground Zero will be addressed in part 4 below.
4. **Compensation Fund Ineligibility.** The Court requested information regarding September 11<sup>th</sup> Victim Compensation Fund of 2001 eligibility for the following three individuals.
  - a. Quinceyann Booker-Jackson. A revised declaration for Ms. Booker-Jackson is attached hereto as Exhibit C as a typographical error was included regarding Ms. Booker-Jackson's eligibility for the Victim Compensation Fund for which she was found eligible. The exhibits to her declaration are being filed under seal.
  - b. Joel Council. A revised declaration for Mr. Council is attached hereto as Exhibit D with a clarification reflecting that he was awarded compensation from the Victim Compensation Fund. Exhibits relating to his citizenship and medical records are being filed under seal.



September 22, 2021  
Page 3

- c. Rafaela Martinez. A revised declaration for Ms. Martinez (including the evidence of her presence at Ground Zero being provided on the public docket) is attached hereto as Exhibit E reflecting that she was awarded compensation from the Victim Compensation Fund. Exhibits relating to her citizenship and medical records are being filed under seal.

In accordance with the Court's Order, Plaintiffs will provide pin cites to medical records for future submissions to assist the Court in locating pertinent information related to the injuries sustained on September 11, 2001 and described in the Plaintiffs' declarations. Further, to the extent a claimant has been denied eligibility for compensation from the September 11<sup>th</sup> Victim Compensation Fund of 2001, Plaintiffs will provide the Court with the Fund's rationale for such denial. Should the Court have any additional questions regarding this motion, or any of the other pending motions for entry of partial final default judgment, Plaintiffs stand ready to address any inquiry from the Court.

Respectfully submitted,

John M. Eubanks

JME/eg

Enclosures

Cc: All counsel of record via CM/ECF